

**DRAFT GUIDELINES FOR
SPECIAL REPORTING REQUIREMENTS
FOR HAIRSPRAYS**

*(This revised draft document incorporates oral comments received on June 5, 1997, at the second discussion meeting on the implementation of amendments to the Consumer Products Regulations pertaining to Hairspray, and written comments received as of September 25, 1997. Modifications to the original draft language are shown in **bold underline** [Note: Attachment A has a whole new section and all new text. Any text in this section that is bolded or underlined is intended to be this way]. The text to be deleted is shown in ~~strikeout~~. The text shown in italics denotes placeholders for concepts that still need to be developed after more discussion with stakeholders.)*

Purpose PURPOSE

The purpose of this document is to provide guidance for ~~manufacturers or marketers of hairspray products~~ (responsible parties) who must prepare compliance plans and periodic updates pertaining to the 55 percent volatile organic compound (VOC) standard for hairsprays. Through a question-and-answer format, this document addresses commonly asked questions concerning these plans and updates.

Background BACKGROUND

At the public hearing conducted on March 27, 1997, the Air Resources Board (ARB/Board) adopted amendments to the consumer products regulation (Title 17, California Code of Regulations (CCR), sections 94507-94517) pertaining to hairspray. The principal effect of these amendments is to postpone the effective date of the 55 percent VOC standard for hairspray by 17 months, from January 1, 1998, to June 1, 1999. Additionally, the amendments modify the reporting requirements to require the responsible party to submit compliance plans and periodic updates that detail the specific actions the responsible party will take to come into compliance with the 55 percent VOC standard between January 1, 1998, and June 1, 1999.

~~The reporting requirements for hairsprays are not intended to create a significant burden on industry. We envision that the compliance plans would only contain sufficient detail to give us a complete picture of what the responsible party will be doing to develop reformulated products by June 1, 1999. We also expect that the periodic updates to the compliance plans could contain less detail, except in cases where major setbacks or revisions to a plan have occurred. For some of the updates, a short letter advising the ARB staff that the reformulation effort is on schedule per the plan may be all that is necessary.~~

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
Stationary Source Division

Development Process Timeline

- ~~(1) — An initial meeting was held with industry and other interested parties on April 16, 1997, to begin discussion on the draft guidelines for compliance plans and periodic updates.~~
- ~~(2) — Full public process will be held during the Summer of 1997, including workshops, meetings, and conference calls with all interested parties, to develop workable guidelines by the fourth quarter of 1997.~~
- ~~(3) — The guidelines will be completed and available by late summer 1997 and the compliance plans are due on or before January 1, 1998.~~

Questions and Answers Regarding Reporting Requirements for Hairsprays QUESTIONS AND ANSWERS REGARDING REPORTING REQUIREMENTS FOR HAIRSPRAYS

The following questions and answers are intended to assist the responsible party in preparing their compliance plans and periodic updates regarding the "Special Reporting Requirements for Hairsprays" set forth in section 94513(e), Title 17, CCR.

1. Who is required to submit compliance plans and periodic updates?

Each responsible party ~~that produces any~~ **whose** hairspray product that has a VOC content of greater than 55 percent VOC, by weight, must submit a compliance plan and periodic updates if the responsible party intends to sell, supply, offer for sale or manufacture the product for sale in California after January 1, 1998.

In section 94508(a)(77) of the consumer products regulation, the "responsible party" is defined as the company, firm or establishment listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party whom the product was "manufactured for" or "distributed by," as noted on the label.

~~In some cases a responsible party may not be the manufacturer of the product or not directly involved with the reformulation of the product. For example, some hairspray marketers may contract with a manufacturer to have a product filled for them. In this situation the responsible party will still be legally responsible for complying with the reporting requirements for hairsprays. However, we are open to the idea of allowing the responsible party and manufacturer as much flexibility as possible as to who will provide the information. One option could be for the manufacturer to send part of the compliance plan (i.e., information regarding formulation data, timeline, etc.) directly to the ARB on behalf of the responsible party. In cases where a manufacturer submits most elements of the compliance plan on behalf of the responsible party, it would still be necessary for the responsible party to submit an abbreviated plan and updates detailing the activities which the responsible party has control over, and to provide information on~~

the manufacturer's contact who will be submitting information on behalf of the responsible party.

The responsible party may use their own reporting form or the Air Resources Board, Hairspray Compliance Plan, Reporting Form, (date of final version here) (Attachment A). If the responsible party is not the manufacturer/filler or not directly involved in the reformulation of the product, they must identify the manufacturer/filler or some other party who will submit the compliance plan and periodic updates on their behalf. For convenience, these guidelines will refer to the party that is submitting the compliance plans and periodic updates for the responsible party as the designated reporting party. However, regardless of the arrangement, the responsible party is still legally responsible for ensuring that the special reporting requirements are met.

2. What reporting options are available to the responsible party if they are not the manufacturer/filler or not directly involved in the reformulation of the product?

The reporting options are:

- (a) The responsible party submits information to the ARB that identifies the designated reporting party (manufacturer/filler or some other party) who will submit the compliance plan and periodic updates directly to the ARB on their behalf. In this case, the information submitted by the responsible party and designated reporting party are separate from one another.**
- (b) The responsible party and designated reporting party (manufacturer/filler or some other party) submit together, in one package, the information that is described above to the ARB.**

3. Must the ARB Reporting Form be used when submitting a compliance plan?

No. The use of the ARB reporting form is not required when submitting a compliance plan. The compliance plan may be submitted in any format provided the information contained in the plan meets the requirements of section 94513(e), Title 17, CCR. The compliance plan can be submitted by hardcopy, diskette, or e-mail to the ARB as identified in these guidelines. Please note that the ARB is not responsible for the security of any information (confidential or otherwise) that is submitted through the Internet.

2 4. When are the compliance plans and periodic updates due?

Compliance plans are due by:

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
Stationary Source Division

- January 1, 1998.

Periodic updates to the compliance plans are due by:

- April 1, 1998;
- July 1, 1998;
- October 1, 1998;
- January 1, 1999;
- March 1, 1999; and
- May 1, 1999.

~~In the event that the responsible party has begun selling a complying product before any update deadline shown above, the requirement for updates shall be waived for the responsible party upon receipt of a letter from them advising the ARB that a complying product has been developed and is currently being sold in California as of a certain date.~~

5. Are there any circumstances under which the responsible party would not need to submit the compliance plan or periodic updates?

Yes. If before January 1, 1998, the responsible party has begun selling a 55 percent VOC product in California and has also stopped manufacturing the over-55 percent VOC product for sale in California, it is not necessary to submit a compliance plan and periodic updates so long as the responsible party notifies the ARB in writing. Notification to the ARB should be by a letter stating that a 55 percent VOC product has been developed, and describing (a) when California sales of the 55 percent VOC product began, and (b) when the manufacture of the over-55 percent VOC product for sale in California has stopped or will stop.

If at some point on or after January 1, 1998, the responsible party begins to sell a 55 percent VOC product for sale in California and also stops manufacturing the over-55 percent VOC product for sale in California, it is not necessary to submit periodic updates so long as the responsible party notifies the ARB in writing that, as of a certain date, these actions have occurred.

3 6. What information should the responsible party include in their compliance plans?

When preparing a compliance plan, the responsible party should include enough detail to give the ARB staff a complete picture of the actions they will be undertaking to develop 55 percent VOC hairsprays by June 1, 1999, or earlier. Different plans ~~may~~ **shall** be submitted for different products for which the critical path towards compliance is substantially different.

A complete compliance plan should contain the following elements:

Background:

The plan should include a general explanation of the responsible party's strategy for developing a complying product, including a discussion of the technology involved. This section would serve as a qualitative summary of the plan.

Formulae and Packaging:

The plan should provide a list of formulae and packaging information for both aerosols and nonaerosols to be investigated by the responsible party. The various reformulation approaches being investigated for each form should be discussed including the product formulation, packaging, delivery system, and if an innovative product approach is being pursued. The formulae and packaging information for each form should include the following:

- total percent by weight VOC content;
- formulation data, speciated to the nearest one percent, by weight, for all VOC solvents, propellants, resins, low vapor pressure compounds, water, and other exempt compounds (minor ingredients such as fragrances and impurities need not be listed); and
- the specifications about any valves, packaging systems, or other hardware related to the formulation.

Timeline:

For each product form and different approach being undertaken, the plan should include a detailed timeline for developing a reformulated product(s), including steps for the following events:

- prototype development;
- prototype testing;
- toxicity, corrosion and stability testing;
- packaging and valve testing;
- safety and efficacy testing;
- consumer market testing and consumer acceptance testing;
- final product development, including final testing, ~~labeling and regulatory registration;~~
- schedule for plant modifications;
- schedule for large scale production start-up, ~~including raw material/parts~~

- ~~procurement and test production runs;~~ and
schedule for submittal and processing of an innovative product if this approach is being pursued.

We suggest that the timeline be portrayed by a graphical layout depicting the starting date, completion date, and task duration to the nearest month for each task. The timeline should account for any overlap of tasks involved, and should identify the critical steps involved. Each step in the timeline should be accompanied by a brief qualitative explanation of what the step entails.

Completion Date:

The **responsible party** ~~manufacturer~~ should state the date or month **and year** by which full-scale production **and sale** of the complying product(s) is expected to begin.

Back-up Plan:

Under section 94513(e)(3), Title 17, CCR, the responsible party is required to provide a back-up plan that describes the intended action should the chosen compliance method or technology not succeed. ~~Some companies have expressed concern that it would be infeasible for them to develop detailed alternative strategies until they are actually faced with specific setbacks during the course of carrying out their compliance plan. Therefore, we suggest that as part of the initial compliance plan, the responsible party simply~~ **The back-up plan should include a short qualitative discussion of briefly describe the options that would be available to them pursued, including the pathway that guarantees compliance by June 1, 1999, if the their primary plan was were to fail. Examples of some possible back-up plan options are to: (1) use more low- or non-VOC ingredients, (2) pursue a filling contract or licensing agreement with another manufacturer/filler of a 55 percent VOC product, (3) pursue development of an innovative product, (4) purchase hairspray credits from another responsible party, or (5) enter into the Alternative Control Plan program.** In the event that the responsible party encounters serious **insurmountable** difficulties in carrying-out their compliance **primary** plan, they could address the details of a the revised or alternate compliance plan when submitting their **would need to provide in a** periodic updates: **the details of the back-up plan they will be implementing.**

4 7. What information should ~~manufacturers~~ the responsible party include in the periodic updates?

In most cases, the periodic updates will not need to contain as much detail as the ~~initial~~ compliance plan. The periodic updates need only focus on areas where setbacks or delays in the

initial timeline have occurred and how the responsible party intends to respond. In the event a setback has occurred, a revised timeline should be submitted. If there are no major setbacks or revisions to the compliance plan, the update could be as simple as a short letter or verbal report informing the ARB that the compliance plan is on schedule, for the following updates:

- April 1, 1998;
- July 1, 1998;
- October 1, 1998;
- March 1, 1999; and
- May 1, 1999.

Even if a compliance plan is running smoothly, we would like to receive more information on ~~manufacturers'~~ **the responsible party's** progress to date for the January 1, 1999, update. This update should include a short report on the ~~manufacturer's~~ **responsible party's** progress to date, and the status of meeting milestones in the compliance plan.

In the event the responsible party encountered major setbacks or revisions to a plan, the updates would need to include the following information:

- a discussion and analysis of the setbacks;
- summarized data for any test results relevant to the setbacks;
- an explanation of major revisions to the compliance plan; and
- a revised timeline, if appropriate.

5.8. How will confidential information ~~submitted by manufacturers~~ be safeguarded?

The ARB will treat any information **deemed confidential** ~~submitted by~~ **the responsible party or designated reporting party** (manufacturers/~~filler, or some other party~~) as ~~part of compliance plans and periodic updates~~ as confidential in accordance with regulations (sections 91000-91022, Title 17, CCR) adopted by the ARB to safeguard the confidentiality of trade secrets (Attachment A **B**). To help us protect trade secrets, the responsible party **and designated reporting party** should **clearly** designate in their compliance plans and **periodic** updates which parts of these documents they consider confidential. All information designated ~~by the responsible party~~ as confidential will be handled strictly in accordance with the confidentiality regulations. In addition, all confidential information will be kept in locked file cabinets and will be accessible to authorized ARB staff on an "as needed" basis only. For more information on the protection of confidential information, please contact Mr. Robert Jenne, ARB Senior Staff Counsel, at (916) 322-3762.

6 9. How will the ARB use the compliance plans and periodic updates to monitor progress towards timely compliance?

At the March 27, 1997, hearing, the Board and a number of industry representatives expressed interest that implementation of the 55 percent VOC standard take place on June 1, 1999, without further delay. The reporting requirements will provide the ARB staff with a very important tool to track individual company's progress toward on-time compliance with the standard.

For ~~those~~ companies who find themselves in the position of having to request a variance from the June 1, 1999, standard, the reporting requirements will provide us with valuable information to help in determining the necessary findings for granting a variance.

7 10. To whom shall compliance plans and periodic updates be submitted?

Compliance plans and periodic updates should be sent to:

California Air Resources Board
Stationary Source Division
P.O. Box 2815
Sacramento, California 95812-2815
Attn: Air Quality Measures Branch
Hairspray Special Reporting Requirements
CONFIDENTIAL MATERIALS ENCLOSED

For packages that require a street number, the address is:

2020 L Street
Sacramento, California 95814

For electronic submittals, the e-mail address is: hairspry@arb.ca.gov

8 11. How ~~should I report~~ may data be reported to the ARB?

The compliance plans and periodic updates may be submitted ~~in by~~ hardcopy, ~~form-~~ Submittals may also be made by diskette, or electronic mail (e-mail). ~~However, there are concerns about using email such as maintaining the security of the information while it is passing through cyberspace and ensuring authenticity of the information since the signature block is not an original.~~ **The ARB is not responsible for the security of any information (confidential or otherwise) that is transmitted through the Internet.** The ARB staff ~~also~~ has developed a

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California Air Resources Board
Stationary Source Division

reporting form that companies may choose to use for submittals, that will be available in **The** hardcopy (**Attachment A**) or diskette forms (**Wordperfect 6.1**). ~~This form~~ may be obtained from the **ARB staff** contact(s) listed in Question #103. **The e-mail form is available from the ARB website: <http://www.arb.ca.gov/consprod/consprod.htm>.**

9 12. Where and what is the actual language for the special reporting requirements for hairsprays?

The actual language is found in Title 17, CCR, Division 3, Chapter 1, Subchapter 8.5, Article 2, Consumer Products, section 94513(e), Special Reporting Requirements for Hairsprays, and is provided in Appendix **BC**.

10 3. Who ~~are~~ is the ARB staff contacts for additional questions on the reporting requirements?

The ARB staff contact is:

Mr. Edward Wong
Implementation Section
Air Quality Measures Branch
Stationary Source Division
(916) 327-1507
(916) 327-5621 (FAX)
ewong@arb.ca.gov (E-Mail)

(Note: This Attachment A has a whole new section and all new text. Any text in this section that is bolded or underlined is intended to be this way.)

ATTACHMENT A

**Air Resources Board
Hairspray Compliance Plan
Reporting Form**

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
Stationary Source Division

California Environmental Protection Agency



Air Resources Board

HAIRSPRAY COMPLIANCE PLAN REPORTING FORM

_____, 1997

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
Stationary Source Division

**AIR RESOURCES BOARD
HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

PURPOSE

The Air Resources Board's (ARB) Hairspray Compliance Plan, Reporting Form, was developed to provide a uniform format for companies that must submit a plan demonstrating progress toward compliance with the 55 percent volatile organic compound (VOC) standard for hairspray. The compliance plan requirement is fully discussed in a question-and-answer format in the Guidelines for Special Reporting Requirements for Hairsprays (*date of final version here*), which is available by hardcopy or diskette (Wordperfect 6.1) from the ARB staff contact, or from the ARB Internet website at: <http://www.arb.ca.gov/consprod/consprod.htm>.

WHO IS RESPONSIBLE FOR SUBMITTING A COMPLIANCE PLAN?

Each responsible party whose hairspray product with a VOC content of greater than 55 percent VOC, by weight, must submit a compliance plan if the responsible party intends to sell, supply, offer for sale, or manufacture the product for sale in California on or after January 1, 1998. The "responsible party" is defined as the company, firm or establishment listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party whom the product was "manufactured for" or "distributed by," as noted on the label.

If the responsible party is not the manufacturer/filler or not directly involved in the reformulation of the product, they must identify the designated reporting party (manufacturer/filler or some other party) who will submit the compliance plan to the ARB on their behalf. However, regardless of the arrangement, the responsible party is still legally responsible for ensuring that all the reporting requirements for hairsprays are met.

WHAT REPORTING OPTIONS ARE AVAILABLE TO THE RESPONSIBLE PARTY IF THEY ARE NOT THE MANUFACTURER/FILLER OR NOT DIRECTLY INVOLVED IN THE REFORMULATION OF THE PRODUCT?

The reporting options are:

- (a) The responsible party submits information to the ARB that identifies the designated reporting party (manufacturer/filler or some other party) who will submit the compliance plan directly to the ARB on their behalf. In this case, the information submitted by the responsible party and designated reporting party are separate from one another.

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- (b) The responsible party and designated reporting party (manufacturer/filler or some other party) submit together, in one packaged, the information that is described above to the ARB.

MUST THE ARB REPORTING FORM BE USED WHEN SUBMITTING A COMPLIANCE PLAN?

No. The use of the ARB reporting form is not required when submitting a compliance plan. The compliance plan may be submitted in any format provided the information contained in the plan meets the requirements of section 94513(e), Title 17, California Code of Regulations. The compliance plan can be submitted by hardcopy or diskette to the ARB address below:

California Air Resources Board
Stationary Source Division
P.O. Box 2815
Sacramento, California 95812-2815
Attn: Air Quality Measures Branch
Hairspray Special Reporting Requirements
CONFIDENTIAL MATERIALS ENCLOSED

For packages that require a street number, the address is:

2020 L Street
Sacramento, California 95814

For electronic submittals, the e-mail address is: **hairspry@arb.ca.gov**. **Please note that the ARB is not responsible for the security of any information (confidential or otherwise) that is submitted through the Internet.**

CONTACT PERSON FOR FURTHER QUESTIONS

For questions regarding the ARB Hairspray Compliance Plan, Reporting Form, or Guidelines for Special Reporting Requirements for Hairsprays, please contact:

Mr. Edward Wong
Implementation Section
Air Quality Measures Branch
Stationary Source Division
(916) 327-1507
(916) 327-5621 (FAX)
ewong@arb.ca.gov (E-Mail)

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
Stationary Source Division

**AIR RESOURCES BOARD
HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

INSTRUCTIONS

- 1) If you are the responsible party **AND** the manufacturer/filler of the hairspray product, please complete the sections listed below:
 - Responsible Party Information Section
 - Reporting Form, Sections 1-5
 - Confidential Information Submittal Form

- 2) If you are the responsible party and **NOT** the manufacturer/filler of the hairspray product, please complete the appropriate sections listed below:
 - Responsible Party Information Section
 - Designated Reporting Party Information Section

- 3) If you are **NOT** the responsible party and are the designated reporting party (manufacturer/filler or some other party) that is submitting the compliance plan on behalf of the responsible party, please complete the sections listed below:
 - Responsible Party Information Section
 - Designated Reporting Party Information Section
 - Reporting Form, Sections 1-5
 - Confidential Information Submittal Form

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM
RESPONSIBLE PARTY INFORMATION SECTION**

Contact Person: Mr./Ms. _____

Title: _____

Company Name: _____

Division Name: _____

Address: _____

Phone No.: _____ FAX No.: _____

E-Mail Address (if available): _____

☐ Are you also the manufacturer/filler of the hairspray product? YES NO

If no, please attach a letter to us stating that the designated reporting party (manufacturer/filler or some other party) will be submitting a compliance plan to the ARB on your behalf.

Documents attached (please check appropriate boxes below):



Designated Reporting Party Information Section
Reporting Form, Sections 1-5

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
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Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____



Confidential Information Submittal Form

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM
DESIGNATED REPORTING PARTY INFORMATION SECTION**

Contact Person: Mr./Ms. _____

Title: _____

Company Name: _____

Division Name: _____

Address: _____

Phone No.: _____ FAX No.: _____

E-Mail Address (if available): _____

Please provide the name of the responsible party you are submitting the hairspray compliance plan

for: _____

Documents attached (please check appropriate boxes below):



Responsible Party Information Section
Reporting Form, Sections 1-5

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
Stationary Source Division

****Revised Draft for Discussion Purposes Only - 9/25/97****

Page 17

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____



Confidential Information Submittal Form

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

1. Background

Please provide a qualitative summary of your compliance plan, including a general explanation of your strategy for developing a complying product and a discussion of the technologies involved.

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

2. Formulae and Packaging

Please provide formulae and packaging information for both aerosols and nonaerosols that you plan to investigate. The various reformulation approaches being investigated for each form should be discussed including the product formulation (include percent by weight), packaging, delivery system, and if an innovative product approach is being pursued.

a) Total VOC Content _____

b) Product Form _____

c) Product Names:

d) VOC Solvents:

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

2. Formulae and Packaging (con't)

e) Propellants:

f) Resins:

g) Low Vapor Pressure Compounds:

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

2. Formulae and Packaging (con't)

h) Water:

i) Exempt Compounds:

j) Other Compounds:

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

2. Formulae and Packaging (con't)

k) Valve Specifications:

l) Packaging Specifications:

m) Other Hardware Specifications:

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

3. Timeline

For each product form and different approach being taken in Section 2, please provide a detailed timeline for developing a reformulated product(s). We suggest the timeline be portrayed by a graphical layout depicting the starting date, completion date, and task duration to the nearest month and year for each task. The timeline should account for any overlap of tasks involved, and should identify the critical steps involved. Each step in the timeline should be accompanied by a brief qualitative explanation of what the step entails. The table on the following page may be used as an option to the graphical layout.

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM
(Make as many copies as necessary)**

3. Timeline (con't)

PROCESS	BEGIN (MONTH, YEAR)	END (MONTH, YEAR)
Prototype Development		
Prototype Testing		
Toxicity Testing		
Corrosion Testing		
Stability Testing		
Packaging Testing		
Valve Testing		
Safety Testing		
Efficacy Testing		
Consumer Market and Acceptance Testing		
Final Product Development		
Final Testing		
Plant Modifications		
Large-Scale Production Start-Up		
Other		

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

4. Completion Date

Please state the date or month and year by which full-scale production and sale of the complying product(s) are expected to begin.

5. Back-up Plan

Please briefly describe the option that you would pursue, including the pathway that guarantees compliance by June 1, 1999, should your primary compliance plan not succeed. Examples of some back-up plan options are to: (1) use more low- or non-VOC ingredients, (2) pursue a filling contract or licensing agreement with another manufacturer/filler of a 55 percent VOC product, (3) pursue development of an innovative product, (4) purchase hairspray credits from another responsible party, or (5) enter into the Alternative Control Plan program.

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

**ARB HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

(Make as many copies as necessary)

5. Back-up Plan (con't)

CONFIDENTIAL INFORMATION SUBMITTAL FORM

If you wish to designate any information contained in your compliance plan as **CONFIDENTIAL INFORMATION**, please provide the data requested below and return it with your completed compliance plan.

In accordance with Title 17, California Code of Regulations (CCR), Section 91000 to 91022, and the California Public Records Act (Government Code Section 6250 et seq.), the information that a company provides to the Air Resources Board (ARB) may be released (1) to the public upon request, except trade secrets which are not emissions data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, and (2) to the Federal Environmental Protection Agency (EPA), which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation, and (3) to other public agencies provided that those agencies preserve the protections afforded information which is identified as a trade secret, or otherwise exempt from disclosure by law (Section 39660(e)).

Trade secrets as defined in Government Code Section 6254.7 are not public records and therefore will not be released to the public. However, the California Public Records Act provides that air pollution emission data are always public records, even if the data comes within the definition of trade secrets. On the other hand, the information used to calculate information is a trade secret.

If any company believes that any of the information it may provide is a trade secret or otherwise exempt from disclosure under any other provision of law, **it must identify the confidential information as such at the time of submission to the ARB and must provide the name address, and telephone number of the individual to be consulted**, if the ARB receives a request for disclosure or seeks to disclose the data claimed to be confidential. The ARB may ask the company to provide documentation of its claim of trade secret or exemption at a later date. Data identified as confidential will not be disclosed unless the ARB determines, in accordance with the above referenced regulations, that the data do not qualify for a legal exemption from disclosure. The regulations establish substantial safeguards before any such disclosure.

In accordance with the provisions of Title 17, California Code of Regulations, Section 91000 to 91022, and the California Public Records Act (Government Code Sections 6250 et seq.),

Company Name: _____ declares that all the information submitted in response to the California Air Resources Board's Hairspray Compliance Plan, Reporting Form, is confidential "trade secret" information, and request that it be protected as such from public disclosure. All inquiries pertaining to the confidentiality of this information should be directed to the following person:

Date: _____

Mailing Address:

Signature _____

Printed Name _____

Title _____

Telephone No. _____

ATTACHMENT A B

**Title 17
California Code of Regulations
Sections 91000 to 91022
Disclosure of Public Records**

Guidelines for Special Reporting Requirements for Hairsprays
California Air Resources Board
Stationary Source Division

**Title 17
California Code of Regulations
Sections 91000 to 91022
Disclosure of Public Records**

(Insert Page 335 here)

**Title 17
California Code of Regulations
Sections 91000 to 91022
Disclosure of Public Records**

(Insert Page 336 here)

ATTACHMENT ~~B~~ C

**Title 17
California Code of Regulations
Section 94513(e)
Special Reporting Requirements for Hairsprays**

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**Title 17
California Code of Regulations
Consumer Products
Section 94513(e)
Special Reporting Requirements for Hairsprays**

(e) Special Reporting Requirements for Hairsprays

This subsection (e) applies to each responsible party for any hairspray product that has greater than a 55 percent VOC content, if the responsible party intends to sell, supply, offer for sale, or manufacture the product for sale in California after January 1, 1998. Each such responsible party shall submit to the Executive Officer the following information:

- (1) On or before January 1, 1998, a compliance plan shall be submitted that details the responsible party's schedule for achieving compliance with the June 1, 1999, 55 percent VOC standard for hairsprays.
- (2) Program updates for each compliance plan shall be submitted by the following dates: April 1, 1998, July 1, 1998, October 1, 1998, January 1, 1999, March 1, 1999, and May 1, 1999; except that the obligation to submit updates shall cease when the responsible party achieves compliance with the 55 percent VOC standard.
- (3) Each compliance plan and update shall include the projected sequence and date of all key events pertaining to the development of 55 percent VOC hairspray formulas including, at a minimum, the following information: information on the types of formulations to be tested; formulation data; prototype testing; toxicity, corrosion, and stability tests; packaging and valve testing; safety and efficacy testing; consumer market testing and consumer acceptance testing; schedule for plant modifications and large scale production, the expected date of production of hairsprays that meet the June 1, 1999, standard; and a back-up plan that describes the manufacturer's intended actions should the chosen compliance method or technology not succeed.